

District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, *ex rel.*  
Aaron Chung,

Plaintiff,

v.

DUSA PHARMACEUTICALS, INC., a New  
Jersey Corporation,

Defendant.

CASE NO. 16-CV-1614-JLR

**FILED UNDER SEAL**

Noted for Consideration on:  
August 12, 2020

**UNITED STATES' EX PARTE NOTICE OF INTERVENTION-IN-PART FOR PURPOSES  
OF EFFECTUATING SETTLEMENT AND DECLINATION-IN-PART AND  
APPLICATION FOR AN UNSEAL OF RELATOR'S COMPLAINT**

The United States, Defendant, and the Relator have concluded a final settlement to resolve the claims brought on behalf of the United States in this action. Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4) (FCA), the United States of America hereby notifies the Court of its decision to intervene in part for the purpose of settlement and to decline in part, and respectfully applies to the Court *ex parte* for an Order lifting the seal.

Specifically, the United States intervenes in this action with respect to the Covered Conduct, as defined in Paragraphs D and E of the Settlement Agreement. The United States declines

UNITED STATES' *EX PARTE* NOTICE  
FOR INTERVENTION AND APPLICATION  
FOR UNSEALING OF RELATOR'S COMPLAINT - 1  
CASE NO. 16-CV-1614-JLR  
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1 intervention with respect to all other claims alleged in this action apart from those based upon the  
2 Covered Conduct.

3 Under the terms of the Settlement Agreement among the parties, following DUSA's payment  
4 of the settlement amount, the United States and the Relator will file a Joint Stipulation of Dismissal  
5 with respect to all claims brought on behalf of the United States.

6 In light of the Settlement Agreement reached among the parties, the United States does not  
7 presently intend to file a complaint in intervention but reserves the right to seek leave to file such a  
8 complaint in the event that DUSA does not pay the full settlement amount consistent with the terms  
9 of the Settlement Agreement.

10 Accordingly, in the anticipation of the filing of a Stipulation of Dismissal, the United States  
11 requests that this Court enter an Order, in the form herewith provided, which lifts the seal on the  
12 Relator's Complaint, this Notice and Application, and all subsequent filings.

13 A proposed order accompanies this Notice and Application.

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1 Dated this 12th day of August, 2020.

2 Respectfully submitted,

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6 United States Attorney

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